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in Roswell before entering the private practice of law. As a private practitioner, she has a general civil practice, with a substantial amount of experience in bankruptcy during the last five years. She argued the case of *Johnson vs. Barnhill* before the United States Supreme Court. Cusack has completed one term on the board of directors for the Real Property, Probate, and Trust Section of the State Bar. In addition, she sits on the Bankruptcy Specialization Committee, and has just completed her term as president of the Chaves County Bar Association.

### Position 3: Three-Year Term

EDWARD JOSEPH ROIBAL is senior underwriting counsel and claims administrator for Title Resources Guaranty Company. He graduated from the University of New Mexico and received his law degree at the University of New Mexico School of Law in 1987. He serves on the board of directors of the New Mexico Land Title Association as immediate past president, is past chair of the Real Property, Probate and Trust Section of the State Bar, is active in the Title Insurance Forms Committee of the American Land Title Association, and is a member of the advisory board of the New Mexico Continuing Education Committee of the Department of Insurance. His title experience includes ten years as a title officer and title examiner and four years as title counsel. He lectures throughout the state on various title related issues and is a frequent instructor for the New Mexico Land Title Association and the New Mexico State Bar.

## TRIAL PRACTICE SECTION

### Position 1: Three-Year Term

DANIEL A. BRYANT is a partner at Parsons, Bryant & Morel, P.A., in Ruidoso. He was admitted to the New Mexico Bar in 1978 and the U.S. District Court for the District of New Mexico in 1980. He received his B.A. degree from New Mexico Highlands University in 1974 and his J.D. from the University of New Mexico in 1978. He is a member of the Lincoln County Bar Association, where he served as vice president from 1979 to 1980 and as president from 1980 to 1981. He is also a member of the American Bar and the New Mexico Trial Lawyers Associations. Bryant also served on the Public Advocacy Section board from 1987 to 1988. His area of practice is primarily litigation, governmental law, criminal law and water law.

### Position 2: Three-Year Term

HERMAN E. ORTIZ is a 1990 graduate of the University of New Mexico School of Law. At UNM, he received the AmJur Award for Commercial Transactions, Property II and Remedies. Ortiz has practiced with the law firm of Hubert & Hernandez, P.A. since his graduation. He is a member of the Trial Practice Section and the Natural Resources Section of the State Bar of New Mexico. His practice primarily consists of natural resources, tort, and commercial litigation.

### Position 3: Three-Year Term

MARK BASHAM received his J.D. from U.N.M. Law School in 1990. Upon graduation, he was an assistant district attorney for the First Judicial District for two years and an associate at White, Koch, Kelly and McCarthy, P.A. Basham later served as a litigation attorney with the Legal Bureau of the state's Risk Management Division. At present, he is employed as an assistant city attorney for the City of Santa Fe. Basham has experience in municipal, magistrate, state and federal district courts, as well as both the NM Supreme Court and Court of Appeals.

### Position 4: Two-Year Term

SASHA SIEMEL is currently an assistant United States attorney. He received his J.D. from the University of Denver in 1975. Since 1983, he has been a member of the adjunct faculty at the University of New Mexico School of Law, teaching trial advocacy in 1992 and 1993. He was a special assistant district attorney in 1992, an assistant district attorney from 1976 to 1980 and trial supervisor from 1978 to 1980, and a special assistant attorney general in 1986. Prior to becoming a U.S. assistant attorney, he was a shareholder at Sutin, Thayer & Browne, P.A., where he practiced in the areas of litigation, bankruptcy, contracts, real estate foreclosure, environmental law and finance.

### Position 5: Two-Year Term

DANIEL SANCHEZ received his J.D. from Antioch School of Law in Washington, D.C. and has been practicing law since 1979. He has practiced at all levels in New Mexico, including the Federal Courts, District and 10th Circuit. Sanchez has extensive trial experience and has represented several governmental entities. His practice is primarily in the areas of personal injury, contract issues and workers' compensation. He is a member of the State Bar and New Mexico Trial Lawyers Associations.

### Position 6: One-Year Term

ROBERT F. ROSEBROUGH was admitted to the New Mexico Bar in 1978 and to the Arizona Bar in 1980. He received a B.A. with honors, from the University of New Mexico in 1975 and his J.D. in 1978. He clerked for Judge Joe W. Wood, NM Court of Appeals, from 1978 to 1979. He is a member of the McKinley County Bar Association and was president from 1979 to 1981. He is also a Fellow of the New Mexico Bar Foundation. He practices in the law firm of Mason, Rosebrough & Isaacson in the areas of real estate, banking, probate, personal injury, and insurance defense.

INFORMATION FOR THESE SECTIONS IS PENDING AND WILL BE PUBLISHED AS SOON AS POSSIBLE: Bankruptcy Law; Business Law; International and Immigration Law; Prosecutors; Public Law; Solo and Small Firm Practitioners; and Taxation Sections. TWO SECTIONS DID NOT APPOINT A NOMINATING COMMITTEE FOR THE ANNUAL ELECTION: Elder Law and Health Law Sections.

## NOTICES

### Disciplinary Board Formal Reprimand

In the Matter of  
DON KLEIN, JR., ESQUIRE

Disciplinary No. 07-92-221

An Attorney Admitted to Practice Before  
the Courts of the State of New Mexico

THIS MATTER arose during your representation of Jon Anthony Dienlin in a domestic relations matter. On or about January 11, 1991, you were retained to represent Mr. Dienlin in a divorce proceeding. On or about May 20, 1991, you scheduled an appointment with Mr. Dienlin to discuss matters pending in his divorce. While Mr. Dienlin appeared at the meeting location, you failed to attend. Subsequently, Mr. Dienlin attempted to contact you by telephone and correspondence, but received no response.

On July 9, 1991, a pretrial hearing was scheduled in Mr. Dienlin's divorce proceeding. Despite receiving notice of the scheduled hearing, you failed to notify your client of the hearing and you subsequently failed to attend the hearing.

On August 12, 1991, a trial on the issues of child custody and support was scheduled by the court. You again failed to provide notice to your client and proceeded to appear at the trial without attempting to contact or consult with Mr. Dienlin. On the day of the trial, you requested a continuance in light of your client's absence, however, the court denied this motion. Following the trial, the court entered an order requiring Mr. Dienlin to pay interim child support.

You subsequently failed to notify Mr. Dienlin of the existence of the order directing him to pay an interim amount of child support. This failure to notify your client was even more egregious because the order, by its terms, would become final unless either party filed a motion for reconsideration within thirty (30) days. Mr. Dienlin did not receive notice of the entry of the order, and subsequently learned of the existence of the order in November of 1991. While Mr. Dienlin did travel out of the country periodically, he maintained the same mailing address and telephone number throughout the representation. Despite Mr. Dienlin's conscientious efforts to keep you apprised of his location, you consistently failed to communicate with him.

In December of 1991, Mr. Dienlin filed a complaint with the office of Disciplinary Counsel. Following an investigation of this complaint, a Specification of Charges was filed alleging that, in the course of your representation of Mr. Dienlin, you committed violations of the Rules of Professional Conduct, SCRA 1986, 16-101 to 16-805. Pursuant to Rule 17-211, a Conditional Agreement Not to Contest and Consent to Discipline (hereinafter "Agreement") was entered on February 26, 1993. You agreed not to contest the Specification of Charges which states violations of:

1. Rule 16-101, in that you failed to provide the required thoroughness, legal skill and preparation in the course of representing Mr. Dienlin in his divorce.

2. Rule 16-102, in that you failed to consult with Mr. Dienlin in order to properly pursue the objectives of the representation.

3. Rule 16-103, in that you failed to act with reasonable diligence and promptness by failing to notify Mr. Dienlin of pending court settings, failed to adequately prepare for trial and failed to properly advise your client regarding the entry of the court's order regarding interim custody and support.

4. Rule 16-104, in that you failed to make any effort to keep Mr. Dienlin informed regarding the status of the case.

5. Rule 16-804(H), in that you engaged in conduct that adversely reflects on your fitness to practice law.

Pursuant to the Agreement you understood and agreed that you would be formally reprimanded by the Disciplinary Board and that imposition of the Formal Reprimand would be deferred for a period of twelve (12) months during which time you would be placed on probation under certain conditions. You also understood and agreed that if you successfully completed your twelve (12) month probation, you would receive an Informal Admonition rather than a Formal Reprimand. One of the conditions of your probation was that you not commit any further violations of the Rules of Professional Conduct and the Rules Governing Discipline. Additionally, by entering into the Agreement, you also indicated your understanding that any failure on your part to comply with the terms and conditions of the Agreement would be brought to the attention of the Supreme Court by way of a Motion for Order to Show Cause, and that you would be subject to the contempt powers of the Supreme Court as provided by Rule 17-206(G).

During the course of your probationary period, two complaints were submitted to disciplinary counsel for investigation. You failed to cooperate with the investigation of these complaints by not timely responding to disciplinary counsel's requests for information. As the result of your failure to cooperate in the investigation of the disciplinary matters filed during your probationary period, a verified Motion for Order to Show Cause was filed with the Supreme Court requesting that you be ordered to show cause why you should not be held in contempt for your failure to comply with the requirements of the Agreement previously approved by the court in the Dienlin matter.

On April 1, 1994, the Motion of Order to Show Cause was granted and you were directed to appear before the Disciplinary Board to show cause why your probation should not be revoked and further discipline imposed. Subsequently, you entered into a second Agreement Not to Contest and Consent to Discipline regarding the disciplinary charges which occurred during your probationary period. Your failure to comply with the conditions of your original probation requires the imposition of this Formal Reprimand for your violation of Rules 16-101, 16-102, 16-103, 16-104 and 16-804(H) of the Rules of Professional Conduct in the Dienlin divorce proceeding.

It should also be noted that, in addition to this Formal Reprimand, the Supreme Court, in the case titled, *In the Matter of Don Klein, Jr.*, Vol. 34, No. 20, SBB 8 (N.M.S.Ct. March 23, 1995), found that you violated Rules 16-303, 16-304 and 16-803 (D) and ordered that you receive a deferred six (6) month suspension pursuant to SCRA 1986, 17-206(A) (2). The court also placed you on probation for a period of twelve (12) months pursuant to SCRA 1986, 17-206 (B) (1) with specific terms and conditions to be addressed during your probation period.

It is believed that this Formal Reprimand combined with the period of probation ordered by the Supreme Court will serve to satisfy the primary concern of the disciplinary process; the protection of the public. It is hoped that, by way of this Formal Reprimand and the supervision you will receive during your probation, you will take the time to address the shortcomings of your practice and thereby avoid a duplication of the violations of the Rules of Professional Conduct which brought you before this board and the Supreme Court.

This Formal Reprimand will be filed with the Supreme Court in accordance with Rule 17-206(D) and will remain as a part of your permanent record with the Disciplinary Board, where it may be revealed upon any inquiry to the board concerning any discipline ever imposed against you. In addition, in accordance with Rule 17-206(D), the entire text of this reprimand will be published in the State Bar of New Mexico *Bar Bulletin*.

It should also be noted that the costs of the Dienlin disciplinary proceeding, in the amount of \$332.40, were previously assessed against you and that, on November 12, 1993, you paid that amount to the Disciplinary Board.

*s/ Larry Ramirez, Chairman  
Disciplinary Board*

## **Fifth Judicial District Judicial Vacancy**

A vacancy in the Fifth Judicial District, Division I, in Eddy County, will exist August 31, 1995, due to the resignation of Judge Fred A. Watson.

The chair of the Fifth Judicial District Nominating Commission solicits nominations and applications for this position from lawyers who meet the constitutional qualifications in Article VI, Section 14, of the New Mexico Constitution. Applications may be obtained from the UNM School of Law, 1117 Stanford NE, or mailed to you by calling Margaret Banek at 277-4700. The deadline for applications/nominations has been set for Thursday, August 24, at 5 p.m.

The Fifth Judicial District Nominating Commission will meet Friday, September 8, 1995, at the Eddy County Courthouse in Carlsbad to evaluate the applicants for the position.

## **Second Judicial District Settlement Week Deadline**

The Second Judicial District's Seventh Annual Settlement Week is scheduled for Monday, September 18 through Friday, September 22. The deadline for requesting that a case be referred to Settlement Week is 5 p.m., Monday, July 17. For complete details on how to request referral, see Section C of Second Judicial District Local Rule LR2-602. The pool of available settlement facilitators now includes judges, attorneys, psychologists and other mental health professionals, accountants and architects.